

**Posted – March 18, 2011**

**REGULAR MEETING MARCH 21, 2011**

**TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND**

**The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, March 21, 2011 at 7:00 P.M. (EXECUTIVE SESSION 6:00 PM) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.**

**Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to**

**reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a)**

**(2) Collective Bargaining (Police, Fire, Public Works and Town Hall Unions), (5) lease – (JFK School) and (5) Land Acquisition (Forest Avenue/Buck Road).**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

## **BOARD OF LICENSE COMMISSION**

### **1. (Public Hearing Advertised; abutters notified)**

**Application of Syraco Associates, LLC dba Newport Spa and Whirlpool Suites, 936 West Main Road, for a Retailer's Class BT Alcoholic Beverage License for the 2010-2011 licensing year.**

## **AWARDS & PROCLAMATIONS**

**2. Memorandum of Town Administrator, re: Permitting and Licensing now live on New World software.**

## **CONSENT**

**3. Approval of Minutes, re: Regular Meeting, March 7, 2011.**

- 4. Petitions received from the following named person for perpetual care of burial lots in the Middletown Cemetery:**
- a. Noura Spentzos – Sections 54, Lots 110, 111, 112 & 113**
  - b. Scott Wagner – Section 54, Lot 109**
  - c. Matthew Williams - Section 54, Lot 31**
- 5. Resolution of the Town of Burrillville, re: Requesting support of 2011- S0063 and 2011 H5187 Acts relating to the Town of Burrillville – validating and ratifying amendments to home rule charter.**
- 6. Resolution of the Town of Burrillville, re: Requesting support of legislation that would repeal the maximum number of voters in a polling place (RIGL 17-11-1).**
- 7. Resolution of the Town of Burrillville, re: Requesting support of legislation to standardize poll opening and closing times.**
- 8. Resolution of the Town of Portsmouth, re: Requesting support of resolution urging RIDEM to reconsider and not raise the current (arsenic) limit of 7mg/Kg to 40mg/Kg (nor any type above 7 ppm).**
- 9. Notice of Public Hearing from the Town of Portsmouth Zoning Board of Review for Map 55, Lot1a and 1b 2543, 2545 & 2547 West Main Road for a Special use permit to modify an existing special use permit to allow a three family dwelling in place of the Guest House.**

**10. Notice from Coastal Resources Management Council of an Acceptance of Application from the Town of Middletown, Tuckerman Avenue, TAP 122, Lots 128 and 129 (File No. 2011-02-058).**

**11. Memorandum of Town Administrator, re: Tax Collections Office – Now accepting VISA/MasterCard for tax payments at the Collections window.**

**12. Memorandum of Town Administrator, re: Eco-Depot and the Bulk Waste Amnesty Day.**

**13. Memorandum of Town Administrator, re: Discussions with Portsmouth – Regionalization of PAYT.**

**14. Memorandum of Town Administrator, re: Esplanade Drainage Improvement Project Stormwater Redirection from ESP-1 Outfall to ESP-2 Outfall.**

**15. Communication of Tax Assessor, with enclosures, re: Cancellations of taxes for certain Middletown taxpayers.**

**16. Resolution of the Council, re: Cancellations of taxes for certain Middletown taxpayers.**

**17. Applications received from the following named persons, firms or**

**corporations for RENEWAL of Holiday Sales License for the 2011-2012 licensing year. (See Attached List)**

**18. Applications received from the following named persons, firms or corporations for RENEWAL of Sunday Selling License for the 2011-2012 licensing year. (See Attached List)**

## **LICENSES**

**19. Application of Syraco Associates, LLC dba Newport Spa and Whirlpool Suites, 936 West Main Road, for a Victualling House License for the 2010-2011 licensing year. (NEW)**

## **ORDINANCES**

**20. Memorandum of Town Administrator, re: Request to add amendment to Animals Generally 90.01 Hunting Restricted, Permit Required.**

**21. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 90 Animals, Subsection 90.01 Hunting Redistricted, Permit Required.**

**22. Memorandum of Town Administrator, re: Developments in**

**Kempenaar Valley.**

**23. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code, Chapter 74 Parking Schedules, Schedule II No Parking At Any Time.**

**24. Memorandum of Town Administrator, re: Resolution Relating to the Organization of the Fire Department.**

**25. Resolution of the Council, re: Relating to the Organization of the Fire Department.**

**26. Memorandum of Town Administrator, re: Ordinance Relating to the Organization of the Fire Department.**

**27. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administrator, Chapter 37 Civil Service, Subsection Organization of the Fire Department.**

**28. Memorandum of Town Administrator, re: Revisions to Middletown Fire Department Rules and Regulations.**

**29. Approval of Middletown Fire Department Rules and Regulations.**

**30. Memorandum of Town Administrator, re: Title III, Administration, Chapter 37 Civil Service.**

**31. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 37 Civil Service, Subsections (37.017) Negotiation of Authorized, (37.019) Performance Reviews For Unclassified Employees, (37.026) Physical and Psychological Examinations, (37.027) Placement on Eligible Lists, (37.035) Notice of Rejection; Destruction of Applications, (37.036) Disqualification of Applicants, (37.037) Lateral Recruitment Appointment of Police and Fire, (37.047) Overtime Compensation, (37.061) Processing of Grievance to Department or Division Head, (37.062) Appeal to Town Administrator and Review Board, (37.075) Annual Leave Accrual, (37.078) Accrual of Sick Leave, (37.100) Separation From Classified Service, (37.103) Contributions to cost of plan and (37.105) Pension Benefits.**

**OTHER COMMUNICATIONS**



**32. Communication of Chad Larcom, Coordinator, PMC Middletown Kids Ride, re: Requesting support for the PMC Middletown Kids Ride.**

## **COMMUNICATIONS OF TOWN COUNCIL**

**33. Memorandum of Council President, re: Town of Middletown – Town Charter revisions.**

**34. Approval of Proposed Amendments to the Town Charter, scheduling of a public hearing and Special Election on proposed amendments.**

**35. Memorandum of Councillor VonVillas, with enclosure, re: The Effects of Enrollment on Quality Education Grades 9-12.**

**36. Memorandum of Councillor VonVillas, re: Referendum – School Regionalization/Consolidation.**

**37. Resolution of the Council, re: Approving the following non-binding referendum related to school regionalization/consolidation be placed before the voters in June 2011: “Shall the Town of Middletown initiate and/or continue collaborative discussions with each of the Newport County communities (Newport, Portsmouth, Jamestown, Tiverton, and Little**

**Compton) regarding potential school regionalization and/or consolidation?”.**

**38. Memorandum of Councillor VonVillas, re: Referendum – Municipal Regionalization/Consolidation.**

**39. Resolution of the Council, re: Approving the following non-binding referendum related to municipal regionalization/consolidation be placed before the voters in June 2011: “Shall the Town of Middletown initiate and/or continue discussions related to the sharing of municipal services with other municipalities in Newport County?”.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**40. Memorandum of Town Administrator, re: Proposed Legislation Relating to Elections – “An Act Relating to Elections – Elective Meeting’s” – Time of closing of polls.**

**41. Resolution of the Council, re: Supporting Proposed Legislation Relating to Elections – “An Act Relating to Elections – Elective Meeting’s” – Time of closing of polls.**

- 42. Memorandum of Town Administrator, with enclosure, re: Purchase of Two Uniform Cruisers.**
- 43. Resolution of the Council, re: Authorizing the purchase of Two Uniform Cruisers.**
- 44. Memorandum of Town Administrator, with enclosures, re: Contract Award – Berkeley Peckham Bleachers.**
- 45. Resolution of the Council, re: Award of Contract – Berkeley Peckham Bleachers.**
- 46. Memorandum of Town Administrator, with enclosures, re: Kahan Tractor & Equipment, Inc.**
- 47. Resolution of the Council, re: Declaring Surplus property and purchase of a New Holland Boomer 3045 4WD tractor.**
- 48. Memorandum of Town Administrator, with enclosure, re: FY2011 Budget Adjustments – Allocation of contingent expense budget to appropriate department budgets.**
- 49. Resolution of the Council, re: FY2011 Budget Adjustments – Allocation of contingent expense budget to appropriate department budgets.**

## **APPOINTMENTS TO BOARDS AND COMMITTEES**

**50. Appointment of Council liaison to the Newport County Chamber of Commerce.**

**Wendy J.W. Marshall, CMC**

**Town Clerk**

**This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.**